

J. DENNIS HASTERT  
14TH DISTRICT, ILLINOIS

THE SPEAKER

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**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-1314**

December 17, 2002

27 NORTH RIVER STREET  
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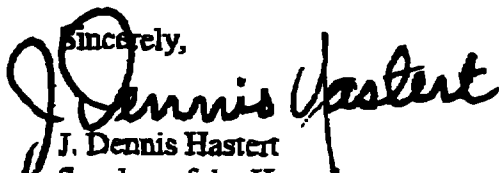
Edward D. Krenik  
Associate Administrator of Congressional  
and Intergovernmental Affairs  
Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Avenue, N.W., Room 3442 North  
Washington, D. C. 20460

Dear Mr. Krenik

Enclosed is a copy of correspondence I have received from one of my constituents, Mr. Ronald D. Bullock, concerning an issue he is having with an investigation conducted by IEPA and USEPA. I believe you will find the letter and information self-explanatory.

I would appreciate if you would review the enclosed materials to examine his concerns and provide me with any information that will enable me to respond to Mr. Ronald D. Bullock. Please reply to my district office in Batavia. For questions or further information, please contact Lulu Blacksmith of my staff at (630) 406-1114.

Sincerely,

  
J. Dennis Hastert  
Speaker of the House

JDH: lb

EPA Region 5 Records Ctr.



265413

Ronald D. Bullock  
President

**BISON**  
Gear & Engineering Corp.

November 27, 2002

3850 Ohio Avenue  
St. Charles, IL 60174, USA  
630-377-4327  
FAX 630-377-6777

J. Dennis Hastert  
Speaker of the House  
U. S. Congress  
U.S. House of Representatives  
27 North River Street  
Batavia, IL 60510  
United States of America

Dear Mr. Speaker:

I really need some help on an EPA issue that our company has been dragged into.

Bison Gear & Engineering Corp. was founded in 1960 and started up in the Ellsworth Industrial Park in Downers Grove. We moved to a new location in the park in 1977. I joined Bison in 1981 and purchased the company in a leveraged buy-out in 1987. I am the third owner of Bison. We outgrew the facilities in Downers Grove, which necessitated our move to Saint Charles in 1997 where we currently employ 165 people.

Please bear with me on the length of this letter, as it is a very complicated issue. I am appealing to you for help, as you will see as you read on, because we are facing a situation that could bankrupt our company in a matter that we feel that we have minimal material contribution. We are on the verge of having the EPA impose an extremely costly and illogical solution to a small group of companies selected by unspecified criteria.

**I. ELLSWORTH INDUSTRIAL PARK/ISSUE BACKGROUND**

- Collection of approximately 40-50 industrial/commercial properties in Downers Grove, DuPage County, Illinois/operation since early 1960s.
- Over 900 homes located in three subdivisions within approximately one mile to south of park are predominantly serviced by single home private water wells.
- Water sampling from approximately 500 (out of approximately 900 wells total) private wells undertaken by Illinois EPA ("IEPA") from July 2001 to January 2002. According to IEPA, 199 wells out of 471 total sampled, have contamination above drinking water standard for public water supplies/contamination is TCE and

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PCE/another 200 have detectable levels of contamination but below criteria.

- TCE/PCE contamination commonly caused by industrial solvents used as degreasers and cleaners.
- These industrial solvents were commonly used by many owners/tenants of properties in Ellsworth until late 1980s/early 1990s.
- Authority/agencies may have known of impacts to groundwater in late 1980s
  - Information has shown that a public well just east of Belmont Road (and just south of old Downers Grove sanitary waste water treatment plant) was closed in late 1980s/early 1990s because of TCE readings.
- We are attempting to gather more information.

## II. BISON GEAR HISTORY IN ELLSWORTH INDUSTRIAL PARK

- From approximately 1960 to 1976, Bison operated at 2615 Curtis Street.
- From 1976 through May 1997, Bison was tenant at 2424 Wisconsin Avenue.
- From approximately 1994 to 1997, Bison rented space at 2455 Wisconsin.
- Bison was small user of solvents at issue/phased out use in late 1980s/early 1990s.
- In 1991, Bison, working with IEPA, investigated and remediated a small release of liquid and oil from drums containing metal shavings/approximately 78 yards of contaminated soil was removed to a depth of approximately 4 feet/soil was characterized as non-hazardous and properly disposed of by Browning Ferris. IEPA approved the remediation.
  - Note: Surface-type soil contamination, to a depth of 4 feet, could not have impacted groundwater table beneath Ellsworth Industrial Park, which begins at approximately 50 feet.

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### **III. EXTENSIVE INVESTIGATION BY IEPA, USEPA, AND VOLUNTARY COMPLIANCE BY BISON, HAVE NOT IDENTIFIED BISON AS A LIKELY OR EVEN POTENTIAL SOURCE OF CONTAMINATION**

- In March, 2001, Bison was served with and responded to a subpoena for production of documents related to purchase, transportation, use, storage or disposal of any chlorinated hydrocarbons (the contaminants at issue beneath Ellsworth) from 1970 to the present, in connection with a claim by the State of Illinois against Lockformer Company. Subpoena was served by Office of Illinois Attorney General and was fully complied with by Bison.
- In April, 2001, Bison was served with a subpoena for same materials by private party law firm representing Lockformer in connection with a plume of solvent contamination to the west of Interstate 355 (USEPA has determined that the plume west of Interstate 355 was caused by Lockformer Company and is separate and distinct from any contamination emanating from Ellsworth Industrial Park located east of 355). Bison fully complied.
- On March 15, 2002, Bison fully responded to USEPA Section 104(e) Request for Information related to Ellsworth/documentation and information relating to 1991 remediation and IEPA finding of compliance with respect to same was produced, as were records pertaining to prior solvent use by Bison.
- IEPA conducted door-to-door interviews and inspection of business located in or near Ellsworth Industrial Park in attempt to determine source of solvent contamination.
- Phase II investigation was undertaken by USEPA at request of IEPA included installation of approximately 42 monitoring wells for groundwater evaluation within Ellsworth Industrial Park, collection of approximately 150 soil samples from properties within Ellsworth Industrial Park, and collection of 80 groundwater samples.
- In 2001, IEPA sampled primarily along Wisconsin and other streets in southern area of Ellsworth Industrial Park, collecting 28 groundwater samples. Of those 28 samples, only one contained PCE above the method detection limit.
- IEPA and USEPA have spent approximately \$1 million to date investigating Ellsworth Industrial Park for source of contamination.

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- **Note:** August, 2002 Report of Phase II Investigation for Ellsworth Industrial Park, prepared for USEPA by hired environmental expert Weston Solutions, Inc., groups current/former owners or tenants of Ellsworth into 3 categories: "Probable Source Facilities" (defined as facility where source material is reasonably expected to be present based on evidence obtained during sampling); "Potential Source Facilities" (defined as a facility where there is a possibility that source materials are present based on information gathered to date); and "Facilities Requiring Further Evaluation" (defined as facilities with a history of chlorinated solvent use which has been documented but no site specific data tying the facility to contamination has been collected). Bison Gear is not identified/the current operator at 2615 Curtiss. Bison's former location, is identified as a Facility Requiring Further Investigation. Sampling was done on that property/PCE was detected in shallow soil at low levels.

#### IV. USEPA SPECIAL NOTICE LETTER/DATED OCTOBER 11, 2002

- USEPA sent notice to 19 current or former Ellsworth owners/tenants, including Bison Gear. Dozens of others did not receive notices, including at least one with a confirmed release of solvents.
- Demands "good faith offer" within 60 days, or by December 17, 2002 for the following:
  - A statement of recipients' willingness to conduct/finance Remedial Feasibility Study at Ellsworth.
  - Detailed response and comments to Scope of Work and proposed Administrative Order on Consent which would require recipients to perform and finance investigation and remedy at site.
  - Demonstration of recipients' technical capability to undertake and fund the work.
  - A statement of recipients' willingness to reimburse USEPA for past response and oversight costs (approximately \$1 million).

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- A discussion of interim response measures the recipients may conduct to reduce or eliminate current exposures.
- USEPA has already chosen remedy/consists of Lake Michigan water hook up for all 900 plus homes, regardless of absence or presence of contaminants.
- Cost for home hook up approximately \$7.7 million.
- Water mains were installed between 1985/1986 for approximately 90% of the 900 homes in the area in question. Downers Grove has calculated recapture costs at \$3000 per home. Additional costs include approximately \$3000 per home to run individual lines from water mains to home, and additional costs for plumbing within property line. New water mains will need to be installed for approximately 80 homes.
- USEPA also requests additional investigation and potential remediation of sources (because sources have not been pinpointed) and additional investigation further downgradient of additional private wells and potential gas/vapor issues in basements.
- Total costs should exceed \$10 million.
- *If good faith offer is not received by December 17, USEPA can undertake work itself, seek recovery of all costs and \$25,000 per day fine for non-compliance.*

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November 27, 2002

**V. BISON IS IN UNTENABLE POSITION.**

- As noted, despite producing documentation to the EPA, and despite over \$1 million in sampling, no contamination has been found above acceptable limits on any former Bison property within Ellsworth.
  - In addition, because Bison no longer owns/occupies those properties, Bison cannot perform its own sampling to clear itself.
- USEPA/IEPA refuse to share private well sampling data with recipients of Special Notice Letter, claiming privacy considerations, but have repeatedly informed recipients that the only acceptable remedy is water hook up for all homes (not just affected homes).
  - Bison and other recipients have no way to evaluate which homes are affected or at which levels/no way to evaluate potential less costly alternative methods to address contamination.
  - One might perceive that, working with Downers Grove, in order to recapture Downers Grove's costs, USEPA is requiring overbroad remedy of hookups for all homes when, potentially, less than half are affected.
- Agency/governmental entities involved will not assist in reducing potential costs.
  - Downers Grove, which installed water mains in area in 1985/1986, will not agree to waive any recapture costs for mains, despite fact that Downers Grove Sanitary District is recipient of Special Notice Letter and may have caused contamination.
- USEPA/IEPA will not agree to waive past response costs.
- State of Illinois refuses to waive right to recoup over \$1 million in grant money available to it for water hook ups.

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- To date, Village of Downers Grove has also required annexation for any home tapping into existing water mains/presents a real issue for proposed remedy.

As you can see, we really need some help in this matter and would appreciate any advice and counsel you might offer. Making a good faith offer requires at least a little cooperation from the other side. Perhaps a meeting with the EPA Administrator would do some good. I would be happy to travel to Washington to discuss the matter.

Hope you and your family has a most enjoyable Thanksgiving Holiday. I ... -- will contact to your office in Batavia next week to see if we might meet to discuss some time in the near future.

Best regards,



Ronald D. Bullock  
President/CEO

Cc: Bryan Harbin, Batavia Office ✓



J. DENNIS HASTERT  
14TH DISTRICT, ILLINOIS

THE SPEAKER

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**Washington, DC 20515-1314**

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Fax (312) 268-0743

*CCU*  
*Waste*  
*Water*  
*Enforcement*  
*McKinnon*  
*McKeever*  
*McWilliams*

**FAX COVER SHEET**

TO: MR EDWARD D. KRENK

DATE: 12-17-02 FAX#: 202-501-1519

**FROM:**

☐ Cindy Doty  
☐ Brandon Grometer  
☐ Bryan Harbin  
☐ Lisa Post  
☐ Ruth Richardson  
☒ Lulu Blacksmith

☐ Dave Richmond  
☐ Ryan Tate  
☐ Bonnie Walsh  
☐ Brad Hahn  
☐ \_\_\_\_\_

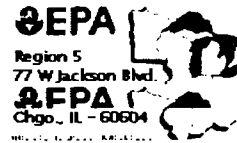
**COMMENTS:**

PLEASE SEE ATTACHED

#PAGES INCLUDING COVER SHEET: 2

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## Correspondence for RA's Signature

Type of Document: **Control Correspondence**

Control # AL-0201992

Name of Document: **CONSTITUENTS ISSUE WITH AN INVESTIGATION  
CONDUCTED BY IEPA AND USEPA/ELLSWORTH  
INDUSTRIAL PARK IN DOWNERS GROVE**

Date Rec'd in ORA: 12/30/2002

From: ORC

Contact Name:

Phone:

<u>DATE</u>	<u>NAME</u>	<u>INITIALS</u>
<u>12/30/02</u>	IN/IL/MI State Coordinator	<u>AMR</u>
<u>12/30/02</u>	Congressional Liason (AL/ORAC)	<u>PH</u>
	Congressional Liason (AL/ORAC)	
<u>12/31/02</u>	Thomas V. Skinner (Regional Administrator)	<u>gga gvs</u>
	Bharat Mathur (Deputy Regional Administrator)	
	David A. Ullrich (Deputy Regional Administrator, Acting Regional Counsel)	

Correction Required?

☒ Yes ☐ No

OK - PH

Remarks:

Salutation: Dear Mr. Spahr  
also change made address envelope

## OFFICE OF REGIONAL COUNSEL CONCURRENCE SHEET

SUBJECT: Congressional rd Ellsworth Industrial ParkCONTROL NO. (if applicable): AL-0201992

Originator and first level supervisor are responsible for assuring that documents are in plain language. All other reviewers should consider plain language in their reviews. See plain language checklist on reverse side of this sheet.

Originator	(J. Krueger)	Date	12/27/02
Section Chief	(D. Harber)	Date	12/27/02
Branch Chief	(E. Cohen)	Date	12/22/02
Deputy RC	(Frey)	Date	
Regional Counsel	(Ullrich (Acting))	Date	12/30/02

COMMENTS: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

(PLEASE INDICATE NAME OF APPROPRIATE DIVISION(S) WHERE CONCURRENT SIGNOFF IS NECESSARY)

NAME OF DIVISION \_\_\_\_\_

Assigned Staff Person	(	)	Date	_____
Division Director	(	)	Date	_____
Other	(	)	Date	_____
Other	(	)	Date	_____

## OFFICE OF THE REGIONAL ADMINISTRATOR

Other	(	)	Date	_____
Other	(	)	Date	_____
Deputy Regional Administrator	( Mathur )	Date	DEC 31 2002	
Regional Administrator	( Skinner )	Date	_____	

ORIGINAL SIGNED BY  
GARY V. GULEZIAN

COMMENTS: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

RETURN TO ORC-Cheryl Klebenow (886-6771)(C-14J)

10/29/01 Version

**Controlled Correspondence For  
REGION 5**

CONTROL NO : AL-0201992

ORIG. DUE DATE: 01/02/2003

FILE CODE: 141-A CONGRESSIONAL CORRESPONDENCE

STATUS: PENDING

CORRES. DATE: 12/17/2002

RECEIVED DATE: 12/18/2002

ASSIGNED DATE: 12/19/2002

CLOSED DATE:

FROM: HASTERT J. DENNIS-R/IL  
ORG: U.S. HOUSE OF REPRESENTATIVES  
SALUTATION: DEAR MR. SPEAKER  
CONSTITUENT: BULLOCK, RONALD D.

TO: ASSOCIATE ADMINISTRATOR/OCIR  
TO ORG: EPA  
SUBJECT: CONSTITUENT'S ISSUE WITH AN INVESTIGATION CONDUCTED BY IEPA  
AND USEPA/ELLSWORTH INDUSTRIAL PARK IN DOWNERS GROVE

ASSIGNED: Office of Regional Counsel

COPIES OF INCOMING PROVIDED TO: OFFICE OF ENFORCEMENT & COMPLIANCE  
ASSURANCE, OCIR/JAMES MCDONALD

SIGNATURE: REGIONAL ADMINISTRATOR  
R5 COMMENTS:

AL INSTRUCTIONS: SEND RESPONSE TO STATE OFFICE AS REQUESTED.

SEND "HARD" COPY OF SIGNED, DATED REPLY ALONG WITH ORIGINAL  
CONTROL SLIP TO MYRTLE LASHLEY (1304A) HEADQUARTERS. FAXED  
COPY ACCEPTABLE (FAX # 202/564-1828).

R5 INSTRUCTIONS: INCLUDE STANDARD CCs:

- 1) ORA W/CONTROL SLIP
- 2) AL W/CONTROL SLIP
- 3) A. ROWAN
- 4) ORA READING FILE

	Assigned	Date Assigned	Code/Status	Date Completed by Assignee	Date Returned to R5 :
Lead	ORC	12/19/2002	ACTION	-	-

bcc: ORA  
 AL  
 Anne Rowan  
 ORA Reading file  
 Myrtle Lashley (1304A)

AL-0201992 (Control No.)  
 TO: Honorable J. Dennis Hastert  
 RE: Ellsworth Industrial Park Site (Bison Gear)141-A

<b>SIGN-OFF FOR THE OFFICE OF REGIONAL COUNSEL</b>									
	<i>Atty/Aut h</i>	<i>Sec. Secy.</i>	<i>Sec. Chief</i>	<i>Br. Secy.</i>	<i>Branch Chief</i>	<i>RC/DRC Secy.</i>	<i>DRC</i>	<i>RC</i>	<i>Other</i>
<i>Init.</i>	<i>[Signature]</i>	<i>[Signature]</i>							
<i>Date</i>	<i>12/6/2</i>	<i>12/6/2</i>							

KRUEGER:6-0562; ELLSWORTH INDUSTRIAL PARK CONTROL